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AGNATIC GROUPS IN ANCIENT IRAN

[Agnaticheskie gruppy v drevnem Irane]

The family, whether conjugal or joint (consisting of brothers living together), became the primary unit of Iranian society long before the Sassanid period. The terms *dūtak* (literally "smoke") and *katak* (literally "house") were employed to denote the concept of "family." They appeared primarily in the compounds *katak-xvatāy* (master of the house, head of the family; *paterfamilias*) and *katak-bānūk* (mistress of the house; *materfamilias*). The criteria defining the institution of the family (in its fundamental and simplest form) are: kinship in the descending and lateral lines; common worship (particularly the cult of the domestic fire and of the spirits of deceased paternal ancestors) and religious rituals; economic unity (common family property; in the joint family, unseparated brothers had only ideal shares, and were juridically partners, *brāt-hambāy*), as well as production and consumption in common. Juridically, the Iranian family constituted a group of agnates (1) led by the head of the family; they were interconnected by relationships of authority and subordination affecting both persons (*personae sui iuris* — the head of the family and his sons and nephews of full age, on the one hand, and *personae alieni iuris* — women and minor children, on the other) and property. In other words,

it was the primary civic organization, within which a rigorous system of rights and duties of the members operated.

However, the object of our investigation is not the family but a broader kin group also characteristic of ancient Iran, that group of which the family formed part as a segmented member. This group deserves special attention since, first, the family's connections with it may be seen quite often and in a variety of forms in Iranian law and, secondly, it is a very important structure within the civil community.

What we will be talking about is a group of many families, whose heads trace their descent in the male line from a common ancestor three generations back. Thus, the kin relationships binding each given group of families, and the order of kinship, were felt in a real sense and were well known to the persons entering into the group, inasmuch as its confines, its genealogy, were correlatable to the general duration of human life. Thus, a surviving head of a family could very well recall his great-grandfather, whom he had seen in his early years while still a minor subject to authority, just as he might, in his own lifetime, see his great-grandchildren, and they would find themselves within the sphere of his patriarchal power. In this real perceptibility of kinship and in the knowledge of its sequence lies an important difference between the kin group under examination and the patriarchal gens or clan (of which the given group may be a component), among whose members real kin ties were very often lost in the long series of generations separating them from the common ancestor, who had become mythical. This is the origin of the vitality of the given blood-kin group, while the patriarchal gens, as a blood-kin organization, began very early to dissolve into the neighborhood (territorial) commune by incorporating groups whose "founders" had no blood relationship whatever to the members of the clan.

In addition to kinship, the members of the given group of kinfolk were united by common worship of ancestors (in the male line) and by participation in common religious rituals and ceremonials, as well as by common economic life, which, however, lost more and more of its initial meaning with the departure of

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individual families and their property from the stem family. In the developed societies of antiquity, common economic life was reduced to the presence of common ownership and possession of certain kinds of real property, such as a mill, an irrigation canal, a pasture for livestock, etc., in which the individual families were co-owners, as well as to the presence of tangible servitude (a) — particularly the existence of a latent right of inheritance (in the absence of a direct descendant of a deceased head of family). Accordingly, the members of the group were interconnected (less intimately, of course, than members of the family) by a number of rights and duties closely associated with the right of inheritance, which went into effect in strict conformity with the degree of kinship (with adherence to the seniority principle in each degree) and in such a fashion that the closest circle of kinsmen excluded the next. This agnatic group — which is often denoted in the Soviet scholarly literature by the term "patronymy" (2) — existed among most of the peoples of antiquity. As a natural collective, which created for its members certain definite advantages in the realm of production and economic life, it has survived down to our own day in rural areas among a number of peoples. Among the ancient Greeks it was termed γένος, πάτρα (in the narrow sense of these terms, which also had the broader meaning of gens) and also συγγένεια, while among the Romans it was called gens (also in the narrow sense of the word), stirps, familia (in the broad sense; in the narrow sense this denoted the family). In ancient India the corresponding form was a structure comprising a broader group, the gotrá.

As long ago as the past century, researchers established the existence, in ancient times, of great similarity between Iranian and Indian society in terms of caste divisions. We now have to take note of this similarity on the basis of another social form, the Indian gotrá and the Iranian nāfa-. But this similarity must first be established by comparison of factual data. Let us turn our attention first to the Indian organization, which has survived, with some modifications, to our day, inasmuch as (unlike the Iranian) it has been very carefully described and already has

a long history of research and an extensive literature devoted to it. (3)

The word "gotrá" is not encountered in the Rigveda in the sense of "group of persons, families," or "gens." It is first attested in this sense in the Atharvaveda (V, 21, 3) in the form viśvagotryah, which becomes a very common term in the Brahmanas, Śrautasutras, and Dharmasastras. In these writings, the gotrá appears before us in already established form and as one of the most important elements of the structure of Indian society. Although the general meaning of the term is quite precisely defined as "a set of persons tracing their direct descent from a common male ancestor," its concrete usage is not uniform because the term was by that time essentially applied to two institutions. One of them, the so-called secular gotrá (laukika gotra), constitutes a community of agnates consisting of a considerable number (up to a hundred or more) of extended families (gr̥ha), descended from a common patrilineal ancestor. The families making up these communities were united by common worship, particularly of ancestors and of the initial founder of the group, and also by a considerable number of common rituals and regulations. Along with this, a common latent right of inheritance (where the head of the family lacked the required kind of heir) obtained within this communal group. A specific characteristic of the Indian gotrá was its exogamous nature (which forbade marriage to a woman not only of one's own, but even of one's mother's gotrá, or, more precisely, of that of one's maternal grandfather). However, to gain a clearer notion of the gotrá, it is necessary to consider the structures comprising it.

The kinship circle, which is a very clear-cut structure simply by virtue of its correlation to the length of a human life — a structure reproduced in its concrete makeup in each new generation — was defined, in India, by the term "sapinda." Initially the word "pinda" meant "sacrificial animal," but in the Brahmin and later texts it was a memorial rice cake sacrificed to the manes during the annual memorial feast (śraddha). This sacrifice consisted of three parts, offered to different individuals in

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ficing, the head of the family. This first circle of ancestors in-
cluded his father, paternal grandfather, and great-grandfather.
The second circle of ancestors began with the great-grand-
father's father, and its extent was determined by memory or
tradition, oral or recorded. Ancestors in the second list al-
ready fell into the general category of ancestors. No sacrifices
were made to them as individuals, and their names were not in-
voked. They received the residues of the sacrifices offered to
the ancestors in the first circle, and libations of water. Corre-
spondingly, the head of the family received (after his death) the
place, in his successor's list, that his father had occupied in
his own list of ancestors, and his great-grandfather was dropped
from the first circle and entered the second ("unnamed"). Not
only the śraddha feast, but a part of the required daily ritual,
the mahayajña — the portion called the pitṛyajña, involving in-
vocations by name — was dedicated to the first circle of ances-
tors.

Thus, the first circle of ancestors ended with the great-
grandfather of the living head of the family. (4) All the descen-
dants of this common ancestor, and their wives by marriage
cum manu, made up the circle of kin who were called sapinda.
The significance of this circle was by no means confined to its
members' participation in the śraddha and to the fact that a
number of rituals — i.e., the purification rituals on the death
of one of the sapinda — were binding upon them. It was specif-
ically with the sapinda that exogamy was initially associated.
A man was forbidden to marry a girl who was sapinda to him.
Since the bridegroom was usually an adolescent, and since the
living head of the family might be his great-grandfather (again
because of the normal life-span), he was separated from the
latter's great-grandfather by seven generations, and the girl he
married could not be related to him within these seven genera-
tions, on his father's side. Nor could she be a sapinda of his
mother (as far back as his mother's great-grandfather, at the
very least). Because of this rule, exogamy went beyond the
bounds of the circle of sapinda and extended to the entire gotrá.

The sapinda circle played an important role in both property and inheritance law. In the absence of a direct heir, the nearest sapinda on the father's side inherited. (5) "He who inherits the property shall also offer the pinḍa (sacrifice)." Contrariwise, the right to inherit belongs to him who is given the right to offer the pinḍa. Therefore, the terms "dāyāda" (heir, co-heir, co-owner) and "sapinda" often appear in texts as interchangeable synonyms. (6) This same circle was given preference in choosing a son for adoption or in designating a guardian.

Although the head of the family, as noted, offered individual sacrifices to and invoked the names of only three immediate ancestors, while combining his more remote forebears in a single, common cult, he certainly knew his lineage beyond his great-grandfather. Having been present in his youth and young manhood at rituals regularly conducted by his grandfather and even by his great-grandfather, he constantly heard the names of ancestors preceding his great-grandfather, and he knew the branches descended from them (say, the brothers of his great-grandfather and of the latter's descendants, etc.). Kin related through the second "triad" of ancestors were called samānodaka among the Indians. The oral family tradition might preserve, in all, about ten names in the lineage (in the direct ascending line, between the first — the highest — and subsequent names in the list, a gap was possible) and, consequently, also a knowledge of the remote kinship of this family or kin group with other families descended in the paternal line from an ancestor common to them at some remove.

The Indian gotrā was just such a large community of agnates, near and remote, tied together by occupation of a common territory, by cults and rituals, organizational unity, and various rights and duties, as well as by marital exogamy. It consisted of a whole series of similar structures (kula, mula) — small agnatic groups, each of which included a few dozen (or perhaps a hundred) three-generation extended families (gr̥ha). All members of such an agnatic group were sapinda to each other — i.e., they stood in a relationship whose order and, consequently, concrete rights and duties were very precisely defined for each individual. With the passage of time, the gotrā had to undergo

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segmentation into "daughter" gotrás, inasmuch as each of the structures constituting a gotrá could with the passage of time develop into a gotrá. (7) However, organizational unity might last for a rather long time and, as a result, along with the small gotrás there might exist a large gotrá constituting, in essence, a large civil community.

The heads of families, who were elders (8) in each of the structures entering into a gotrá, made up the council of this communal organization. But the principal role was played by the meeting (*sabhā*, *gaṇa*) of the gotrá, participated in by all men of full age possessing civil capacity. (9) Meetings took place for various reasons: births, weddings, and funerals. Meetings made decisions as to the naming of guardians for minors lacking close kin. The formality of adoption (it was usually a *sapiṇḍa* or, in the extreme case, a *sagotra*, who was adopted) also took place before the entire meeting. The meeting also decided the question of transfer of escheated property to one of the *sagotra* of the deceased in those rare instances where the latter's circle of *sapiṇḍa* had been exhausted, and it settled a number of other internal matters. The meeting was, at the same time, a tribunal: it dealt with cases of violations of rituals and customary law, and established the form of penance or punishment, up to expulsion from the community (*pataka*, *upapataka*), which was equivalent to civil excommunication.

The Brahmin *ārṣa*-gotra must be distinguished from the gotrá described above, which was a natural organization within each of the three social classes (*varṇas*). The *ārṣa*-gotra, although it arose historically on the basis of the natural organization we have examined, and included in its system analogous Brahmin agnatic communes, may be characterized as an artificial institution, introduced, thanks to Brahmin influence, into the non-Brahmin *varṇas* as well. This not only complicated the general picture, but created certain difficulties in the use of the sources, since in the Brahmin literary tradition, pride of place is naturally given to the Brahmin *ārṣa*-gotra, while the term gotrá in the texts denotes in almost every case precisely that Brahmin organization. According to this tradition, there

were eight original gotrás, to which ten were later added. Thus, according to the Baudhāyanaśrautasūtra, the gotrás took their origins from eight sages (ṛṣi), whose descendants comprise each of them respectively. But the same source tells us that "of gotrás there are thousands, and tens of thousands, and millions"; and the Baudh. pravarādhya contains 500 names of gotrás. (10) The contradictory nature of this evidence (like that in other texts) is explained primarily by the fact that the data on Brahmin gotrás are here interwoven with data on the real and extremely numerous non-Brahmin gotrás. Moreover, the eight Brahmin gotrás themselves (each constituting an exogamous unit) were each complex, being divided into gaṇa (ten of which were equivalent to gotrás, also exogamous units); these, in turn, were divided into pakṣa, which themselves consisted of individual gotrás: the Brahmin Vasiṣṭha-gotrā included 105 individual gotrás. All of these were combined into groups, among which were distributed pravara — i.e., pedigrees. Each pravara included one, two, three, or five names of canonized "ancestors." Here we find both the names of the eight sages (ṛṣi) and those of several mythical kings. (11) The names entering into the pravara of each gotrá figure in the invocations to Agni before the sacrifice. Thus, the various gotrás of the Brahmin caste, combined into a single group, could have an identical "pedigree" (pravara). The influence of the Brahmins, however, was so strong that the system of Brahmin ārṣa-gotras we have described — organizations whose artificiality is obvious (they lacked even territorial unity) — ordinary secular gotrás incorporated in the following manner. Persons belonging to secular gotrás had to adopt the pravara of their purohita — the Brahmin patron of the family; consequently, besides belonging to their secular gotrá, they became related through the pravara to a specific Brahmin gotrá — namely, that of their Brahmin purohita. (12) And this, in turn, influenced the norms or, more precisely, the limits of exogamy. Whereas, as we have seen, the principle of exogamy was initially limited to the sapinḍa circle — i.e., it did not go beyond the bounds of the principal structure comprising the gotrá — and then spread to the entire

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gotrá, with the adoption of the custom of "coupling onto" an āṛṣa-gotra, marriage to a sapravarā (: samānapravarā) also became subject to condemnation, particularly for a Brahmin.

Because of the great historical and cultural similarity between the Iranians and Indians, data on the ancient Indian commune are of particular importance for an understanding of the Iranian commune and its constituent structures. However, as was noted at the beginning of this article, agnatic structures, constituting a natural form of social organization, formed the basis of communal organization among various ancient peoples. The sapinda group of the Indians corresponds entirely to the Greek ἀγχιστεῖς, while among the Romans the relations among the persons entering into this group were defined by the term agnatio (also propinquitās). In the West, we have the same system of three "named" forebears, distinguished from ancestors as a collective concept. Among the Greeks they were called τριτοπάτορες (13), and there is a clear definition of them in Isaeus. (14) Among the Romans, the "named" forebears were pater — avus — proavus. (15)

The situation with respect to the collateral relations of agnates is also similar. With the increasing importance of the family, these ties inevitably had to gain recognition, insofar as the bilaterality of the family won out over the unilaterality of the clan. Thus, for participation in res sacra, and also to expand the circle of heirs, the collateral relations of agnates came to be included — for example, the father's sister and her sons, or the mother's father, her brothers, and their children. But these ties occupied a secondary position, and in the sphere of inheritance or guardianship they took effect only after the circle of agnates had been exhausted. (16)

The principal material on the organization we are studying, among the Iranians, is found in Middle Iranian sources, chiefly the Pahlavi Code [Madigān-i-hazār dāristān: the Corpus of the 1,000 Laws] and the Rivayats. But some information on it may be obtained from sources of the archaic period.

In the Sassanid legal texts, there is no mention of the agnatic commune, for entirely understandable reasons. In the sphere

of private law, the integral institution and bearer of a specified set of juridical relationships was the family (at least in the Arsacid-Sassanid era). But where the circle of heirs by direct descent, within the family, was exhausted, agnatic ties came into effect, as did anchisteic lines. It is specifically this agnatic line that is referred to, and repeatedly, in the Code and the Rivayats, as a (supplementary) circle of heirs. The usual designation in the Code for the agnatic order is nabānazdištīh, from nabānazdišt "agnate, kinsman": this is a "scholarly word" borrowed from the Avesta. A nabānazdišta- (literally "next of kin") is a kinsman in one of the parentela of the circle corresponding to the Indian sapinda and the Greek ἀρχιστεῖς. According to the Avesta (Vd., XII, 1 ff.), this is a person standing in one of the following degrees of kinship to the head of the family: (1) parents, (2) children, (3) brothers and sisters, (4) grandfather and grandmother, (5) grandchildren, (6) uncles and aunts, (7) male and female first cousins, (8) nephews and nieces, (9) brothers' and sisters' grandchildren. Nāfya- and xvaētav- are synonyms for this term in the Avesta. The difference between the term nabānazdišta- and the last two lies in the fact that the first is employed with reference to an individual (or his soul), and with the emphasis on the order of kinship with him, while nāfya- and xvaētav- are general, impersonal terms, indicating that an individual or individuals belong to an agnatic group called, in the Avesta, nāfah-/nāfa-. In this connection it is also important to note that, in Old Indian texts (for example, Manu), sanābhi and samāna nābhi serve as synonyms for the term sapinda.

Likewise, one may adduce, for Achaemenid Iran, nfyn = Iranian *nāfaina- "agnate" (compare Avestan hama-nāfaēna-) (17), attested in the Elephantine papyri. Also curious is the reflection of the term nāfa- in Iranian proper names, encountered in the Elamite tablets from Persepolis, particularly in the names Nabbakka = *Nāfaka-, Napapartana = *Nāfa-bardana- (= βαρζάνη, literally "he who exalts the agnatic commune") or: *Nāfa-prtana- (literally "fighter for his agnatic commune, gens"; compare the proper name Dantu-pirdanna = Old Persian

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*Dantu-pr̥tana-, Iranian *Zantu-pr̥tana- "fighter for [his] tribe"). (18)

Aeschylus, in The Persians (146), places in the mouths of the chorus assembled before the palace in Susa the following words: "What is King Xerxes, son of Darius, our patrilineal kinsman (τὸ πατρωνόμιον γένος ἡμέτερον) doing?"

Narrower or, on the contrary, broader use of a term, as well as transfer of the designation of a single characteristic typical of a given group (blood kinship, joint celebration of feasts, community of property, etc.) to the level of a technical term defining a group as a whole, the evolution of the institutions themselves, etc., and consequently a multiplicity of synonyms and a certain elasticity of content are a universal phenomenon, characteristic of terms denoting kin groups and social collectives. In the Avesta there is attested a use of the term taoxman-, adequate to nabānazdišta- in an analogous formula. It is repeatedly encountered in the Behistun inscription (Old Persian: taumā-) with the same meaning of agnatic group and patrilineal kinship. (19) There are other synonyms as well.

This group is characterized not only by kinship but by common worship, particularly the cult of souls of deceased ancestors and members of that group. The Avesta has frequent references to this cult in the formula "nabānazdištanam para. iristanam... fravašayō yazamaide" (for example, Yasna, 26,6). But this text lacks references to sacrifices in the names of particular individuals and invocations of the three immediate forebears: the term aoxtō.nāman- is here encountered only with respect to the worship of gods. This is either an accident due to the nature of the given text, or a reflection of the specific nature of the doctrine of Zoroaster, or, more precisely, of that of the Lesser Avesta. In any case, cults of named ancestors and of kinsmen are well attested in Iran outside the Avesta and in later periods. In Iran the first (individually named) circle of ancestors apparently included three persons — the father, grandfather, and great-grandfather of the surviving paterfamilias. The genealogies of the Achaemenid kings, preserved in their inscriptions, may be divided into three groups: (1) large

lists with four or more names (the genealogy of Darius in the Behistun inscription, the genealogies in the inscriptions of Artaxerxes II and Artaxerxes III); (2) lists of two names, father and grandfather (the inscriptions of Artaxerxes I relating to construction); (3) lists with three names, which obviously repeat the list used at sacral investiture (= coronational list). These official lists are presented in the "Manifesto" of Cyrus II (Cambyses I — Cyrus I — Teispes) and in Xerxes' inscription from Persepolis (Darius — Vishtasp [Hystaspes] — Arshama [Arsames]; it is curious that we find the same thing in the Akkadian text ("son of Cambyses the Great King, grandson of Cyrus the Great King, of King Anshana [Arsames], descendant of Teispes the Great King, of King Anshana [Arsames], of a family that has always ruled"). (20) Even more suggestive, however, is the inscription of Shapur I on Zoroaster's Kaaba, which informs us of the establishment, by that king, of individual sacrifices "for the souls and names" of his kin. The list includes three of his ancestors, starting with Sāsān, as well as kinsmen of the *sapiṇḍa-nabānazdišt* circle. (21) A specimen Pahlavi marriage contract also lists the names of the father, grandfather, and great-grandfather of the king in whose reign the document is dated.

The *Avesta* also contains a complete parallel to the cult of the Greek heroes and the Indian ṛṣi. *Yasht* 13 contains an enormous canonized list of heroes, "Fravashi," reverence for whom was shown by sacrifices and invocations (*Yt.* 13, 96-142). Darmesteter (*ZA*, II, 504) calls this list "the Homeric catalogue of Mazdaism." This list includes the names of pre-Zoroastrian heroes, mythical kings, and the first adherents and preachers of Zoroaster's doctrine, as well as persons who lived later.

The individuals in the group were associated by solidarity and mutual guarantee. To the question, "How many (persons) are guilty of a misdeed if a man has violated a verbal obligation," Ahuramazda answers: *θriš satāiš haḍa.čiθanaṃ naraṃ nabānazdištanāṃ para.baraiti* "Along with the three hundred who pay together with him (22), men from among his nabānazdišta kin, he absolves ("carries off" > "expiates") his guilt"

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(Vd. 4,5 ff.). An analogous reference to collective solidarity in obligation and responsibility is contained in the Nirangistan (9): "He thus makes his kinsman guilty of offenses (degrees) of raēša and aōwadātay" (nabānazdištəm hū para pasčaēta raēšača aōwadāityača āstāraitī). But such great solidarity within a group of agnates, extending even to common responsibility for delicts, would have been impossible in the absence of common economic life — joint ownership of plowland and pastures, of certain types of implements, farm buildings, and so forth, and common property rights and duties. The Avesta canon that has come down to us sheds very scant light on this aspect, but it contains a very interesting term: haōō.gaēθā- "co-owner," "holder (of a share) in common property" (in the Pahlavi translation: hamgēhān). A closely related term (with a different prefix, the Iranian hāma-gaiθa-) is attested in the Aramaic papyri (hngyt) (23), where it appears in association with 'drng ("person bound by obligation; partner"), and also in the Parthian h'mgyh ("co-owner; co-participant") and the Khorezmian angēθ. (24) The Avestan haōō.gaēθa- clearly represents an earlier stage in the development of this legal term, when it defined not only relationships arising out of a (private) contract, but relationships that existed within a given social group or structure — namely, relationships of property right within a community of agnates. In the Avesta, in a number of contexts, gaēθa- is formally contrasted both to nmana- and to vis'y, and apparently serves to denote the material wealth, the riches, of the agnatic group, as distinct from the property of the family, on the one hand, and of the broader community, vis'a (patriarchal gens) on the other (also compare gaiθa- in the Behistun inscription, particularly in Bh. I, 14). Correspondingly, in Yasht 10 (see Gershevitch, Mithra, pp. 130-131), where a comparative description is given of the "firmness," or more precisely the obligatory force of contractual relationships among persons standing in a given degree of kinship or "co-citizenship," the obligation binding persons in a relationship of haōō.gaēθa- is considered firmer and more intimate than that which unites co-members of a commune (varazāna). but less firm than obliga-

tions within a family (= between spouses — *huyāyna*-; for this word, see Gershevitch, *ibid.*, pp. 267-268). An even more definite indication that a particular social institution, and not property relationships based on contractual relations, lies hidden behind this term in the *Avesta* is found in the *Nirang-istan*, which speaks of joint offering of sacrifices by *haḍō.gaēθa*-persons (*Nir.* 60; compare *Nir.* 1). Thus, one may speak of a complete parallel between the synonymous use of the terms *sapiṇḍa* and *dāyāda* in the sense "co-heir, co-owner," in the Indian texts, and the Avestan *haḍō.gaēθa*- "co-owner": "member of an agnatic group" (compare the Iranian *hama-gaēθa*-), which clearly denotes the same group of agnates as the Indian *sapiṇḍa*.

Returning to the evidence of the *Avesta* (*Vd.* 4, 5 ff.) on the consequences of violating various types of contractual obligations, it is worthwhile to consider another aspect: to wit, the number — varying in accordance with the type of contract — of persons (of male sex) who are defined as *nabānazdišta* of the contract violator. In the former instance, when a violation of a verbal contract (*vačahina*-), is being discussed, the number of kinsmen sharing responsibility is 100 male persons (apparently of full age). The number of persons involved grows with each increasingly serious type of agreement, reaching a limit of 1,000 *nabānazdišta* males in case of violation of an agreement in the form of *daighu maza*- (according to the Pahlavi commentary, when such an agreement was concluded, security to the value of over 500 drachmas was provided). If these rising figures — 100, 600, 700, 800, 900, 1,000 — can be regarded as real, they could be used as guides for determining the approximate size of a group.

The first two figures are particularly interesting; there is a considerable gap between them, which apparently shows that different agnatic groups stand behind the two figures. The subsequent figures, increasing in steps of one hundred, give the impression of a synthetic construct resulting from the need to increase, with each new level of obligation, the number of persons responsible for it. If we proceed on the assumption that,

vāyṇa-; for this even more definition, and notations, lies in the Nirang- by haḍō.gaēṭha may speak of a of the terms "owner," in the "owner": "member of the hama-gaēṭha-), as the Indian

, 5 ff.) on the actual obligation: to wit, the of contract — anazdišta of the a violation of the number persons (apparently grows with reaching a limit of an agreement to the Pahlavi included, security. If these risks can be regarded as the approaching

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behind the first, second, and perhaps final figures stand natural groups of people, and that 100, 600, and 1,000 are the average numbers of legally adult males within the corresponding collectives, then obviously the most close-knit collective of agnates is represented by the first figure. It is also known that the elementary structures — agnatic groups — entering into the commune included, on the average, several dozen three- (or four-) generation families. However, for such a group, 100 adults is a completely realistic average figure. Inasmuch as the community consisted of a number of analogous groups, some of whom were remotely related to each other, had, within the preceding two or three generations, segmented out of a single agnatic group, and retained the memory of a common ancestor and of religious ties, the second average figure of 600 adult males, comprising the extended circle of agnates which incorporated several small circles, therefore also proves realistic.

As occurred in analogous cases among other peoples, the very term nāfah- could readily take on a broad sense, encompassing all mutually related groups, and could then become, as happened in Sogdian, the name of the civil community in general, from the smallest to the largest — of the town community as well as of "the people" living in communities. Compare Sogdian n'β "the commune [i.e., organized population] (of the town of Panhikent)," "people," n'βc "member of a community."

In Iran as well, the agnatic groups, which had outgrown themselves with the passage of time, segmented to form new ones. These daughter agnatic groups could retain for some time the idea of kinship connecting one particular agnatic group with another, or with others, which also consisted of branches of one common group. However, the memory of kinship which had at one time united the initial group (prior to its segmentation) with other agnatic groups entering into the same community became abstract. Communes, including a large number of agnatic groups which had in the past been united by a more perceptible kinship, are called vis- in the Avesta (compare Old Persian/vis-). As a broader collective, the vis- is contrasted to the joint family, nmana-, and to the agnatic group: gaēṭha- (25),

nāfah-, xvaētav- (Y. 65, 7). The settlements of such large communes were usually surrounded by a fence, and this is the origin of their second name, the Avestan varəzāna-, Old Persian vardana- (Iranian *vr̥zāna-). (26)

Thus, communes consisted of agnatic groups, and this communal structure is already manifest in the Avesta. Compare, for example, the following passages: Y. 32, 1: ahyāca xvaētūš yāsaṭ ahyā varəzənəm maṭ airyamnā...urvāzema mazdā

"and his, Ahuramazda's, pleasure was sought by the agnates, his — the commune along with its allies...." Y. 40, 4: aθā xvaētūš aθā varəzənā aθā haxəməm hyāṭ yāiš hišcamaidē "thus the agnates, thus the commune, thus the confederation, with which we were united...."; Y. 46, 1 (Zoroaster's complaint): pairī xvaētūš airyamanasča dadaitī nōiṭ mā xšnāuš yā varəzənā hēčā načdā dahyōuš yōi sāsārō drogvantō "The agnates and their allies have rejected me, (and) the commune is not merciful to me, as the dishonorable rulers of countries are not merciful"; Y. 49, 7: kō airyamā kō xvaētūš dātāiš aḡhaṭyā varəzənāi vaḡuhīm dāṭ frasastīm "who is the ally (= friend), who is the agnate by law, (who is he) who creates ('gives') a good reputation to the commune?"; also compare Y. 33, 4.

In none of these contexts is there the contrast presumed by H. Bartolome (Air Wb., s. v. xvaētav-, varəzāna) between the "elite" (xvaētav-) and the "third estate," the "peasantry" (varəzāna-, which Bartolome apparently derives from varz- "to act"). Here we have a consecutive listing everywhere of the three most important forms of organization of Avestan society: "agnatic group" — "community" — "allied communities."

Membership in the community was determined by affiliation with one of the agnatic groups comprising it. Affiliation with the group, however, was determined by patrilineal kinship (on conditions of birth in legitimate wedlock between the parents) and, for women, also by marriage cum manu mariti. When majority was reached — approximately at the age of fifteen (27) — a youth underwent the ritual of consecration to the cult and the commune. This ritual was accompanied, as among the Indians,

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by investiture with the sacred girdle (Avesta aiwyāphana-; Middle Persian kustīk) and shirt, and occurred before a gathering of the entire agnatic group. Among the Parsees this ritual is called naojot < New Persian *nauzāδ, which means "born anew" (or: "new birth") (28) and corresponds entirely to the Sanskrit dvija, dvijati "twice-born." Thus, the civil birth of an individual, his attainment of civil capacity, was regarded by the Iranians as his "second birth" as well. From that moment on he was granted the right to enter into obligatory relationships, marriage, etc., as well as the right to participate in social life.

The most important affairs of the commune, such as the periodic repartition of arable land among agnatic groups, general questions of production, the organization of joint sacra, courts and the determination of punishments for misdeeds by members of the commune possessing legal capacity (29), as well as external questions, were settled by the council of the commune, which apparently consisted of the heads of the agnatic groups (compare Armenian nahapet = Iranian *nāfapati-, Sogdian n'β'ʾr < Iranian *nāfadāra-), and by the general assembly (Avest. hanjamana-) of members of the commune enjoying civil capacity. As may be judged from the list, in Dēnkart, of the contents of the juridical nasks of the Avesta that have not come down to us, the punishment for a capital offense could be expulsion from the commune (30) — i.e., civil death, which took the place of the death penalty of more archaic times. (31)

As already noted above, one of the characteristic features of agnatic groups in ancient India was their exogamous nature (along with endogamy within castes or social classes — varnas). In Iran, however, the agnatic groups were endogamous over a considerable portion of the country, although by no means everywhere. Marriage within the agnatic group — Avest. xvaēt(vadaθa- (Iran. xvaētav- "kinsman; agnate" + vadaθa- "marriage"; Pahl. transcription xwytwkd's) (32) — is referred to in the Avesta in five passages. However, as Gray demonstrated (33), these passages are of comparatively late origin. Along with this we have at our disposal numerous statements

by classical authors as to the existence in Iran of the custom of arranging marriages within kin groups, and specifically of the principle of endogamy carried to extremes — marriages between father and daughter, mother and son, and brothers and sisters. According to Herodotus, Cambyses was married to his sister (Her., III, 31), Darius to Atossa, sister of Cambyses and widow of Bardiya-Gaumata, and also to Parmis, daughter of Bardiya (Her., III, 88: both marriages were within the bounds of the agnatic group, but both cases show the right and duty of the closest agnate to enter into marriage sine manu with the widow and with the epiclera). Artaxerxes Longimanus also married his sister (Plut., Artax. 23); subsequently her uncle married her (see ibid., 26), and the Bactrian satrap Sizimitr married his mother (Q. Curt., VIII, 2, 19), etc. Classical authors ascribed this custom to the Persians in general, and not only to the royal family. (34) According to Xanthus of Lydia (in Clem. Alex., Strom. III, 2), such marriages were characteristic of the Magi (also compare Catulli, LXXXIII, 3: magus ex matre et gnato gignatur). Apparently not universal, the principle of endogamy in agnatic groups was not part of Zoroaster's doctrine either, but subsequently, as Zoroastrianism spread to regions where this principle predominated, it was "canonized," and xvaētvadaða- even began to be ascribed to Zoroaster as one of his ten commandments to mankind (DkM, III, 1965; Dd. 78, 19). Moreover, the extreme form of expression of the principle of endogamy — incestuous marriage — is described in the Pahlavi texts as an act of the highest piety, which atoned for mortal sin and led to heaven (compare DkM, III, 82; Mx. IV, 4; XXXVI, 7; XXXVII, 12; Šnš. VIII, 18; XVIII, 3). (35) The custom of endogamy was quite widespread in the Sassanid period as well. For the royal family, it was known from the Shapur inscription (KiZ) (36), but of much greater importance in this connection is the evidence in the Code, in which extreme forms of endogamy (marriage of father to daughter, of brother to sister) had inevitably to be reflected in connection with the system of inheritance within the family (see, for example, 4, 11-14; 44, 8-12; 44, 13-14; in A36, 6-10 there is reference

stom to Dātxvaš, who was the sister and wife of the chief mugūpat,
ly of Āturpat-i Zartushtān).

ges For the Middle Iranian period, data on agnatic groups may
s and be found in written sources of the most diverse nature.

d to In the inscription of Shapur I (KiZ), the first list of names,
byses as we have already noted above, consists of the ancestors and
ghter agnate kin of the king. Of no less interest are the three subse-
bound quent lists in the same inscription, including, respectively, the
ty of courts of kings Pāpak, Ardashīr I, and Shāpūr I. The names in
the these lists are arranged in a pattern which shows two principal
so variants: (1) the personal name of the individual, "for the soul"
acle of whom liturgies with sacrifices are instituted, and his title
nitr (or, when a queen is involved, a comprehensive identification;
au- for example, "Rūdak, mother of the King of Kings Ardashir" —
d not line 56); (2) a personal name, accompanied either by a name of
dia the type of Varāz, Sūren, Kāren, Mihrān, or by a name carrying
acter the suffix -akān, such as Tōsarakān, Rastakān, Narsēhakān, etc.
s ex In the Middle Persian version, the first name is connected with
inci- the second by means of the relative pronoun ī (ZY), while in
er's Parthian they appear in simple apposition. The first variant of
ad to the formula is clear. The situation with the second variant is
zed," different. Here the second name, and particularly names with
r as the -akān suffix, are usually regarded as patronymics. Thus,
the the combination, Middle Persian Mtrky ZY Twslk'n; Parthian
bed Mtrk Twsrkn; Greek Μερρ <ι>×Τουσσεριγαν (KiZ, 59) is
toned translated by A. Marik (37) as "Mihrak, son of Tosar." Ben-
(35) veniste also holds to this opinion in his recent work: the suf-
anid fix -akān is given the role of a formant which participates in
he the formation of the "patronymic" construction ("so-and-so,
nce son of so-and-so") in both dialects — a formant possibly bor-
reme rowed from Parthian. (38) However, for a number of reasons,
ther this interpretation does not seem acceptable to me.

the The "patronymic" construction (not the descriptive) is well
known in Middle Persian: it is put together in accordance with
the type Farraxy ī Vahramān "Farrakhv, (son) of Vakhram,"
and the suffix -ān, attached to the given name of the subject's
father, serves as formant for the patronymic. We find the same

type in the Middle Persian version of KiZ, where the names of the subject and of his father are actually elements of the syntagma. Compare Šhpwḥry MLK' ZY P'pkn "Shapur, king, (son) of Pāpak" (a brother of Ardashīr, who ruled in Pārs before him). In Parthian, this construction is expressed through attaching the same suffix -ān to the father's name, by which, strictly speaking, the subject's patronymic is formed; but the subject's name and patronymic are in apposition, without the "izāfet" (b), characteristic of Middle Persian (Šhḡpwhr MLK' P'pkn line 46). (39)

Names compounded by the suffix -akān appear in inscriptions not as patronymics but as nomina gentilitia — a circumstance important not only for syntax but for the content of the lists in the given inscription, their character and origin. The fact that the joining of the suffix -akān to the name created not a "patronymic" but a clan name or "surname" is confirmed by the inscriptions of the Armenian King Ardashir, son of Zariadr, whose gentile name was rwndkn (in the Sevan group of inscriptions), 'rwndkn (in the Zangezur inscription) — i.e., "Ervandid; of the Ervand clan." (40) We also know that Mani's mother was of the Parthian Kamsarakan clan, and that one of the members of this clan, who settled in Armenia, founded the Armenian princely clan of Kamsarakan. Also quite suggestive is the parallelism in formulae of the second type: 'rthštr ZY Wrč, 'rthštr ZY Swlyn, Prywzy ZY K'lny etc., which do not differ in construction from the series Mtrky ZY Twslk'n, P'pky ZY Wsplykn, 'rthštr ZY Wypłkn, Ywdm'lt ZY Lstkn, etc. However, it is quite clear that the names Varāz, Sūren, Kāren, etc., in the first series are names defining the affiliation of persons in the list with the corresponding elite clan: these clan names are sufficiently well known both in Armenian and Western tradition so that there is no doubt about their character. The list includes "Mihṛānid"; compare line 66: 'ršt't ZY dpyr ZY Mtr'n ZY MN Ldy "Arštat, epistolographer, [and] chief Mihranid." Clearly it is one of his descendants who is mentioned by Lazar of Pharb (II, 113): Yzat-všnasp, ordi Aštata y i Mihran tanē "Yzat-Všnasp, son of Arštat, Mihranid (literally "from the house and

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clan of Mihran)." Likewise, Twslk'n, Wsplykn, Wtylkn, Lstkn, etc., in the same position in the second series, must be regarded as clan names — the more so since, in the same inscription, forms ending in -akān are also attested in positions where it cannot be supposed that the ending is a defining syntagma with a patronymic. Specifically, we have: (lines 60-61) S's'n ZY BRBYT' ZY PWN Pldk'n d'sty: S'sn BRBYT' MH pty Prdkn H||SNt "Sasan, prince, (who) was raised in (the gens) Prdkn (41)," with a complete analogy in the next item in the list, referring to his namesake "(who) was reared in the (gens) Ktwk'n." (42)

In connection with the KiZ lists, the time has long since come to turn to a source which has not yet been applied to the interpretation of Shapur's inscription, although it is of first-rank importance in that regard. This is the Old Armenian Gahnamak, "charter of rank," which reflects the rankings of the Nakharars at the Armenian court during the 5th century. This text, discovered by Ju. Akhverdov more than a century ago, was published by N. O. Emin in the appendix to the Russian translation of the History of Moses of Khoren (Moscow, 1858), and was then carefully analyzed by Adonts (43), who compared the Gahnamak with the lists of Nakharars in Lazar of Pharb, in Elisaeus, in the records of the councils and the like, and also with the later "Warriors' Charter." As we know from the writings of 5th-century Armenian historians, the system of ranks at the court of the Armenian Arsacids did not differ at all significantly from the protocol of the Iranian court. Specifically, the roster lists of the Armenian Nakharars (gahnamak) bore the seal of the Sassanid king of kings, and a copy was kept in the royal divan at Ctesiphon.

Faustus of Byzantium (IV, 2), speaking of the makeup of the Armenian court and the rigid regulation of its ranks, distinguishes two major categories: (1) heads of elite gentes (= agnatic groups) and "house-rulers" (nahapet-k', mecamec-k', compare Middle Persian vazrayān; tanutēr-k'); and (2) officials, persons in the service of the state (gorcakal-k'). The place which a courtier could claim in the presence of the king and

the honors extended to him at court — the "pillow" (barj) and "sash" (patiw) — depended upon the rank occupied by his gens (if we are speaking of the nahapet'e) or his own rank (if we are speaking of a "service noble," an official). Of course, there was no fundamental difference between these two categories, because, as a general rule, it was representatives of the elite gentes who were named to government posts. (44) Some posts were handed down from father to son, becoming hereditary in a number of cases, and with the passage of time that branch of the gens which had a preferential right to the post might derive a new name from it. Compare, for example, the gentile name Zarehawanean, doubtless derived from the post of šahapn Zarehawani (representatives of this gens were remote patrilineal kin of the royal gens; compare MX, II, 8), the clan name Małxazuni from the post of małxaz, etc.

The Gahnamak offers exactly the same classification of the court. It contains a listing, in their order on the roster, of the gentile names of the elite and of their posts in government (or at court). We find a complete analogy in the Shapur inscription, with the sole difference that the inscription lists specific persons and therefore bears the given names of members of elite gens and officeholders. We need only discard the personal names, and we emerge with the same two variants, gentile name or office, in accordance with the description adduced by Faustus of Byzantium. The posts indicated in the Gahnamak are the following: aspetn (45), šahapn Cop'aç tēr the "satrap of Sophene," a hereditary post (No. 5) and k'alak'apetn ark'uni "royal mayor" (46), orsapetn ark'uni "royal hunting" (47), małxaz (No. 4), Basenoy dataworn "judge of Basen." (48) From other lists (Lazar of Pharb, Elisaeus, Sop'erk'), we know of Šahxorapet ark'uni "the royal equerry" (49) and a number of other posts, also referred to in the KiZ.

As examples of gentile names derived from names of posts attested to in the KiZ, we may adduce the following: Bythškn (66), Sp'hpt (57) (50), Dyžptkn (66). (51) In the KiZ (63), there is reference to the ruler of Demavend, "Artaban, of Demavend" (52), and in Faustus (147) there is also adduced the principal

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gentile name of the rulers of Demavend — Kawosakan. Other examples of the formation of Armenian nomina gentilia from the titles of posts with the addition of the suffix of relationship or affiliation, -uni, (53), corresponding to the Iranian -akān, are the surnames Spanduni (No. 51), from spand, "sacrifice" (members of this gens, according to Moses of Khoren, were in charge of the offering of sacrifices), and Małxazuni, from małxaz.

In the KiZ, among members of the Iranian elite also holding government (= court) posts, we find listed Zydky nywdpt: Zyk nywdpty (KiZ, 54; court of Ardashir I), in Greek Ζυγ ὁ δειπνοκληήτωρ "Zik, the master of ceremonies." In Faustus (15, 151, 169, 177, 187), there is reference to one of the descendants of this master of ceremonies, who held the same post — Zik, nuirakapet. The name Zik, like the names Varāz, Sūrēn, Kārēn, and others, were at the same time gentile names. Suffice it to cite the Greek text of Agathangelus (6): Ζηχαν και Καριναν μεγιστους γενεάρχας και στρατηγους, where μέγιστος γενεάρχης transmits the Armenian nahapet mecamec. The reference is to Iranian military leaders, and in the given instance we have persons combining the position of head of one of the elite agnatic groups with a post in government. The Armenian classification of the court into nahapetk' (synonyms: azgapetk', mecameck', tanutērēk'), on the one hand, and gorcakalk', on the other hand, corresponds to vazaryān (54) and kārđārān (MhDA, 25, 15) in the Iranian roster, the second of these being a term from which the Armenian gorcakal was a calque. (55)

Aside from the examples already adduced above, one encounters, in the Armenian sources, other gentile names of the Iranian elite ending in -akan, among which one finds names in the KiZ lists. The Persian satrap in Armenia under Chosroes II bore the gentile name Vindātakān (Vandatakan, in Sebeos, 34, 70). In the KiZ (59) one finds reference to Zik of the Zāparakān (Zplk'n: Zbrkn). Under the last Sassanids, some elite gentes, or more precisely branches thereof, received the honorary "prefix" Šahr to go with their gentile names, and so we have the gentile name Šahr-Varāz (apparently the most dis-

tinguished branch of the Varazids), Šahr-Vahrīč (56), and others. The gentile name Zāparakān acquires a similar "prefix": in the Code (A 39, 3-7), we read of the will of one Dat-Gushnaspa (of the gens) Šahr-Zāparakān (štr'-Z'plk'n), which was affixed with the seal of Vēh-Shāpūr, the chief magupat. It may very well be that this is the gentile name underlying the Armenian Šahrapłakan (Sebeos, 79), which in Greek is Σαραπίτης (compare Nöldeke-Tabari, 292). A representative of the Bandakān gens (Zrwnd't ZY Bndk'n: Zrw'ndt Bndkn) is present in the list of Shapur I; the same clan name is borne by a member of the Persian elite at the court of Khosroes II — Sahrapan Bandakan, in Sebeos' text (66). The gentile name Andēkān, encountered twice in the KiZ (lines 57, 62), is attested in Faustus (Andikan, Andkan) and in Lazar of Pharb (Andekan); the Greek equivalent is Ἀνδίκαν, and the New Persian is Andiyān (compare Nöldeke-Tabari, 286).

Thus, it can hardly be doubted that the names ending in -akān in the KiZ list represent gentile names, the "surnames" of the elite, or that the constructions Bgdt ZY Wldptkn, Wnd'r ZY S'snykn (KiZ, 67), etc., are to be translated "Bagadat (of the gens) of Vardpatakan," "Vinnar (of the gens of) Sasanakan = Vinnar the Sassanid" and not "Bagadat son of Bardpat" or "Vinnar son of Sasan," etc. What we are dealing with here is a compound of an identification with the thing identified — a compound expressed in Parthian by simple apposition of the identification and the thing identified, but in Middle Persian by joining of the identification to the thing identified with the aid of a relative pronoun serving as nota relationis, but with a nuance of the definite article. (57) It follows that grammatically (= syntactically) there is no difference between a formula of the first type — 'rthštr ZY Klm'n MLK' ("Ardashir, King of Kerman"); Tyd'nk ZY 'hmt'n štrp ("Tianik, Satrap of Hamadan") — and a formula of the second type — 'rthštr ZY Wrč ("Ardashir the Varazid"), or Mtrky ZY Twsłk'n ("Mikhrak the Tosarid = of the Tosarakan gens"). Also characteristic in this regard is the expression which serves as identification of the given names of the persons included in the listings: in

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some cases this is a title, a post (i.e., an identification deriving from the principle of service rank — "kardarhood"), while in other cases it is a gentile name, the individual's affiliation with one of the elite agnatic groups (= an identification reflecting the principle of birth — "vasurgity"), in complete accordance with the principle of the court roster formulated by Faustus and attested to in the Gahnamak.

Returning to the comparison of the KiZ lists with the Armenian table of ranks, one cannot help noticing features of formal similarity. In the Gahnamak one most often finds mere citation of the gentile name (with the definite article: Kamsarakan, Sĭkunin, Spandunin, etc.). This is also characteristic of the KiZ, where gentile names are rarely accompanied by any supplemental identifications. But in a long list of cases in the Gahnamak, the gentile name is associated with the term denoting the head of the given agnatic group, for example, Arcruneaç tēr "ruler of the Artsruni" (No. 3), Mamikonēiç tēr "ruler of the Mamikonids" (No. 4), Apahuneaç tēr "ruler of the Apakhuni" (No. 11). This form is also attested (twice) in the KiZ. (58) In cases where the Gahnamak lists lateral branches of an elite gens that has segmented into independent agnatic groups, but has retained a common gentile name, the Armenian list yields the following variants: (1) the gentile name is supplied with a toponymic identification (the principal residence of the given branch), as in No. 35 — Buxay Dimak'seann "the Dimaksians of Bukha" and, in No. 67, Širaka(y) Dimak'seann "the Dimaksians of Shirak" (with No. 34: Dimak'seann) (59); (2) the gentile name of the segmented group is provided with a serial number — for example, Arcruneaç erkrordn (No. 29), Arcruneaç errorrdn (No. 30) "the second (gens of) Artsruni," "the third Artsrunis," Mamikonēiç erkrordn (No. 31) "the second Mamikonids," etc. Serial numbering is not present in the KiZ, and this is understandable, as that inscription names concrete individuals: two Karenids are listed in the court of Ardashir (line 57: Prywzy ZY K'lny, Gwky ZY K'lny), and these are clearly the heads of two branches of the Karenids. It is possible that there were more branches than this, be-

cause the gentile name is usually not placed next to the name of a head of a branch included in the list in terms of his post (60); (3) the demonstrative pronoun ayl, "another," denoting another branch of the gens (61), precedes the gentile name.

These observations bring us to the documents on which the lists were based when Shapur instituted the liturgies. These were official court rosters, "tables of ranks," which were issued by the kings, and after which the Armenian Gahnamak was patterned. (62)

This analysis of the lists in Shapur's inscription provides grounds for assuming that the same organization by agnatic groups found in other strata of the population continued to exist within the Iranian elite.

Traces of the institution in which we are interested, as it appeared in the village commune, may be found in Avroman Parchment III, for which it seems to me possible to offer a reading somewhat different from those offered by others. (63)

Avroman III (64).

- 1 ŠNT IIIC (= CCC) YRH' 'rwtt MZBN-W ptspr (65) BRY tyryn
- 2 ZY MN wn/zkn KRM' 'smk MH 'bykškn PLG y't (66)
- 3 WZBN-W 'wyl BRY bšnyñ KZY 'HY KL' ZWZN XXXXXIII
- 4 MH MN bwmlhwtw 'p hrw hmy 'KL-W QDMTH
- 5 ŠHDYN tyrk BRY 'pyn, m... k BRY ršnw, 'ršt
- 6 BRY 'bnw, grypnhy BRY mtrpry, syñk (67) BRY mrthwg (?)
- 7 [ZY MN wn/zkn?] KRM' 'smkn KRM' ZBN' 'wyl MN ptspr KL' ZWZN XXXXXIII.

- 1 Year 300, month of Arvatat. Patispar, son of Tirene, sells
- 2 one-half of the cultivated (68) unused land ("virgin soil") (69) of the vineyard of Vanakan (?)
- 3 and Avil, son of Bashnen, purchases it for 54 drachmas in the capacity of "brother" ("as brother").
- 4 May the water (however), coming from the owner of the land, be used by each of them (i.e., Patispar and Avil — A. P.) for irrigation. (70) In the presence of
- 5 witnesses: T., son of A., M., son of P., A., son of
- 6 A., G., son of M., S., son of M.

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7 the "Unused" (or: "Virgin") vineyard of the (Vanakan?) vineyard was purchased by Avil from Patispar for a total of 54 drachmas.

For a general understanding of the document in question, it is of some significance that all three Avroman documents were found in a single vessel, and consequently were in the possession of the same individual. (71) According to the evidence of the Sassanid Code, a document conferring title to real property, and specifically to a parcel of land, was regarded as an appurtenance of the "thing," and whenever the right of estate to the given entity (a parcel of land, a house, etc.) changed hands, all the documentation relating to it and confirming the acquisition of rights by the new owner was transferred to that person (see, for example, MhD, 18, 10-13; 18, 13-17). Documents were drawn in at least two copies, one of which was given to the former owner. A similar practice existed, as a matter of fact, in other countries, but the indication of its prevalence in Iran compels us to assume that there was some kind of connection via transmission of ownership among the three Avroman documents, which are separated by intervals of several decades — to wit, they pertained to a single entity or to a part of one and the same entity.

In the first of them (Avr. I), one Gatak (*Gāhāk? Greek Γαθᾱκγς) "sells" to two persons, who are full brothers, his personal share (τὸ ἴδιον μέρος) in the "Dadvakan" vineyard, which he had acquired (upon its division) from co-owning co-heirs (τὸ ἐπιβᾱλλον ἀντὶ μέρος παρὰ τῶν συνκλήρων). However, there can be no doubt that the form of a sale here conceals emphyteutic rental in perpetuity, for the persons "acquiring" this parcel, having paid its value and gained title to perpetual possession, obligate themselves (and their descendants) to pay Gatak (and his descendants) an annual fixed rent, both in money (τὸ ξμῆζαθρον one drachma) and in kind. Consequently, Gatak (and his heirs) continue to be the owners of this parcel. The situation in the second Greek document (Avr. II) is completely analogous, except that here Den (Δήνγς Γαθᾱκγς), son and heir of the holder ("owner") of the parcel "sold" for emphyteutic

rent in the first document, "sells" in the same way another vineyard located on vacant land and constituting a part of that same Dadvakan vineyard ($\Delta\alpha\delta\zeta\alpha\alpha\zeta\alpha\gamma = {}^1D\alpha\delta\zeta\alpha k\bar{a}n\ h\bar{a}\gamma$).

Both documents specify the obligation of the new holders (= emphyteuta) and their descendants to cultivate the land.

The subject of the transaction in the third document is one-half of the cultivated land not currently in use and adjacent to the Vanakan (?) vineyard, which is apparently identical with the part of the Dadvakan vineyard rented in Avr. II (compare footnotes 66 and 69). The individual appearing as seller in Avr. III retains the other half of the "fallow" parcel. But here it is important to note the following circumstance. The "seller" is not himself the holder ("owner") but an emphyteuta. This emerges from line 4, which says that both the "seller" and the "acquirer" will use for irrigation of their halves of the "virgin" parcel the water flowing to it from the owner ($bwm\dot{h}wtw$). This actual owner of the vineyard, V., and of the unused land adjacent to it, was probably one of the descendants and heirs (grandson or great-grandson) of Gatak in Avr. I, and this is why all three documents (holder's copies) had to be in his hands. The nature of the transaction in Avr. III is also clear: it is a yielding by the emphyteuta of a part of the land he rents to another person whom he makes his partner in the rental. And this, in turn, explains the absence in Avr. III of mention of the rent to be paid to the owner, since it is defined in the title to emphyteutic rental of the entire parcel, which is retained by the prime tenant (= Patispara). The fact that the purchaser becomes, as the result of the deal, an associated partner, is rendered by the expression KZY 'HY "in the capacity of brother." The technical use of the word "brother" is unmistakable from the context. (72) To make its meaning precise, it is useful to compare 'HY = brāt to Middle Persian hambrāt, hambrātak, hambrātakīh (Pahlavi $hm'\dot{H}$, $hm'\dot{H}k$) — literally "co-brother, co-brotherhood" — which, in the Pahlavi commentary to the Yasna translates the Avestan haxman- (compare Y., 40, 2; 60, 7; 40, 4): ētōn xvēš (= xvaētav-), eton vālūnīk (= vərəzāna-), ētōn hambrātak (= haxman-). The Avestan haxman- has, how-

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ever, a number of meanings: "ally-confederate; co-member of a commune; partner." However, we know that among a number of peoples the word "brother," brat, common to all Indo-European languages, also acquired the special meaning "kinsman — member of an agnatic group" (compare the word "brotherhood" [bratstvo], and "verv' brothers," among the Slavs), while the wide use of the word in precisely this sense led, in Greek, for example, to complete replacement of the word φράτρις, which now came to be used exclusively in the meaning of "member of an agnatic group; member of a phratry," by the word ἀδελφός — literally "from one womb." An analogous development occurred in Ossetian, where rvad has the single meaning "agnatic kinsman," while the concept "brother" is rendered by the word aevsyaer: aensuvaer — literally "from one womb." (73) The Pahlavi commentary on a passage in the Yasna gives grounds for assuming that the principal meaning of the Middle Persian hambrāt was "agnate kinsman." The passage from the Avesta (Y. 32, 11) reads in translation: "who are concerned to deprive the owner and his wife of possession of their hereditary share." The Pahlavi translation of this, with commentary, is as follows: ...katak-xvātay mart ut zan [gōpēnd ku mānpat mānpatīn hēm] aparēnd (= Avestan apayeiti) ān rēxn-ič (= Avestan raēxnah-) vindišn (a gloss on aparēnd): ku martōm pat stahm girēnd (a gloss on rēxn): ku xvāstak bē ō hambrāt dahēt]. From this last gloss it follows that legal transfer (donation) or alienation (bē dātan, as a legal term, has both meanings) of hereditary property or a share in it was permissible (at least in theory) only within the agnatic group: the Avestan raēxnah- "inheritance, share in inheritance" is here defined as a category of property transmitted to and alienated from an agnate.

It is difficult to say whether Patispar and Avil in Avr. III were agnates, just as we do not know whether the contracting parties in Avr. I and II were agnates. Inasmuch as the matter at issue in all three parchments is emphyteutic rent, and not sale or gift, the principle of agnatic relationship was of little significance here: in cases of rental, the right of estate in the

property did not go beyond the bounds of the family and agnatic group of the principal holder. Most likely, in KZY 'ḤY the term "brother" > "agnate" appears in what is already its purely juridical sense of "co-holder, associate, partner"; compare Middle Persian brāt-hambāy, and Parthian hngyh (for which see above).

The agnatic line is very often cited in the Code as the basis of a succession supplemental to the necessary one (= the circle of heirs in the descending line). The usual designation of the agnatic order in this source is the term nabānazdištīh, while the concept "agnate" (nabānazdišt (74)), is a scholarly term borrowed from the Avesta. The word nāf (also nāfak) in the living language, denoting agnatic group, and hamnāf, denoting its members, is encountered in a number of Middle Persian texts, as in another term, gōhr, gōhrak, the Iranian cognate of the Indian gotra. (75)

Thus, in the Datastān-i Dēnīk (Dd. 55), in connection with the establishment of "sturhood" (stūrīh) and the naming of a "stūr" for a full member of a civil commune — a Zoroastrian who has died leaving no heir and who does not have a co-successor brother — it is said that the agnatic group (gōhrak) of the deceased must announce the establishment and opening of a "sturhood" for him (76), and must name as "stūr" of the deceased the next of kin among members of his patronymy (ān i nazdīktan hač hamnāfān).

Nāf (or nāfak) is attested in a Pahlavi specimen marriage contract. The entry of a woman into marriage cum manu mariti involved her departure from the circle (= family) and power of her father and transfer to the agnatic circle of her husband, and consequently led either to complete departure of the bride from her father's agnatic group, or — what was more typical of Iran, where this organization was primarily endogamous — to a change in her place in it. As is plain from the contract in question, the official formalization of the marriage occurred before a meeting of the members of the agnatic group, "nafa" (§ I: nāfak/nāf ī vēh mat ēstāt).

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tract from Mt. Mug. (77) This document makes repeated refer-
ence to the commune as nāf (Sogdian n'β), although the transla-
tion of lines 9-10 (Nov. 4) offered by the editor (78), in my opin-
ion, stands in need of correction. Thus, rty ZNH n'mk wyspy
n'βy prm'n ZY γw'm'k is translated by Livshits as: "and this
letter (pertains) to all the people — (both) those regularly
dwelling (in the house) and guests." The key to understanding
this sentence is provided by the passage in the Pahlavi mar-
riage contract cited above. In the Sogdian text, n'βy denotes a
community of agnates (as does nāf in the Pahlavi contract).
But inasmuch as this commune included some dozens or even
a hundred extended three-generation families, one can hardly
conceive of all of them as living under a single roof, nor can
one interpret prm'n as "regularly dwelling in the house." On
the other hand, the listing in a legal document of various per-
sons or groups of persons is generally due to the fact that they
either have certain rights, or that they have some official or
contractual authority. However, residence in a house (or even
membership in a family) is not a factor having legal meaning
and pregnant in the juridical sense. The most various cate-
gories of persons, with diverse degrees of civil capacity —
including slaves — may dwell in a house, even regularly. The
Sogdian prm'n in this text must be equated, it seems to me,
with Armenian parmani "a person who has attained maturity;
a youth who has reached majority." If we do this, the sentence
acquires a meaningful translation: "And this guaranteed obliga-
tion (applies to) all adult (consequently, having full civil capac-
ity — A. P.) members of the agnatic group, and also to guests
(possibly collateral relatives belonging to other agnatic com-
munes — A. P.)." As for the "prm'n" in the Parisian Sogdian
text P 12 (Benveniste, TS, pp. 132 and 225), adduced by Livshits
to support his translation, here we are faced with an entirely
different word — a homograph (c) of the one examined above.
This is clear from the context of P 12, a text containing a num-
ber of recommendations of an ethical nature. Thus, lines 44-
45, kt'm γ'nyh βrγ'w ZY γzny ZY γr'm'k β't rty ZKh γypδ
γ'n'yh ZKh z'tk 'PZY ZKh wδwh prm'n δ'r translate as follows:

"He in whose family ('house') the property is, (also) should have the authority in his family with respect to children and wife." Thus, the "prm'n" of the Parisian text is the authority, the manus, of the head of the family — an exact cognate of the Middle Persian framān, patixšāyih. (79) This interpretation is completely confirmed by the Sogdian prm'nδ'r "guardian." Likewise, one may offer the following translation for lines 49-50 of the Paris text (rty γ'ny ZKw z'tk wδwh prm'n L' kwn'y L' prm'n δ'r'y): "And (if) in the family ('house'), (the head of this family) does not exercise (the duties) of authority (= manus) over children and wife, he shall not possess them." (80) Evasion or negligence in the exercise of his power as guardian (or patriarchal power) over the members of the family subject to his authority was regarded as a crime in Iranian law.

We have already adduced above certain data indicating that the nāf-commune had a head whose functions apparently included those of serving as judge, of directing worship, and of administering the common property. The existence of such a person in the archaic period is beyond question (compare Armenian *nahapet < Middle Iranian *nāhapet < Iranian *nāfapati "head of a nāf), and such a function might have existed in later times in particular cases, where the environment was relatively conservative — for example, among the elite. But the ever-increasing economic independence and juridical autonomy of the families comprising the agnatic commune would inevitably lead to a diminution of the prerogatives of the head of the commune and to an increase in the authority and scope of the rights of family heads. These last apparently made up the "council" of the commune, to which the leading role in the solution of its joint affairs belonged. Clearly, it was precisely these heads of families — the particularly authorized members of the commune — who are referred to in one Middle Persian Manichaean text (49 II V 2 sq.) (81), in which the following tale is told by Mar-Ammo, disciple of Mani: "I appeared in my commune (xwyš n'f). And I took the path of the wise, and the treasures (of wisdom), which Naržamiy had taught me, I began to set forth and instruct (my) father and

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latter exercise the duties of guardian over this family during his absence. Also compare MhD, 87, 12-15, which speaks of the naming as "stur" one of the ostavars of his nāf for the head of a family who has left no heir, if the transmission of the "sturood" to the closest agnate is impossible for some reason.

The Code discriminates rigorously between the rights and duties determined by membership in a family — i.e., acquired in the direct descending line, or by a brother-partner (in an undivided family of brothers) — and those based upon membership in the same agnatic group and upon degree of kinship within this organization. In the former case, when the basis for succession is (agnatic) kinship in direct or collateral descent (a brother-partner) — i.e., membership in a family — this basis for succession is rendered by the technical term *būtak* (literally "existing, natural"), *būtakīh* (compare the expressions *andar būtakīh*, *hač kust ī būtak*, *pat rāh ī būtakīh*). In the second case, when the basis for succession is membership in an agnatic group and one's place in it, it is said that it takes place "in the line" or "from the side" of agnatehood, *pat rāh ī nabānazdištīh*, *hač kust ī xvēšavandān*. The difference between these two lines is not only in their order (the second line of succession goes into effect only if the first is absent) and form (succession via the first line goes into effect *ipso iure*, while succession in line of agnatehood occurs by a legal procedure of naming the nearest agnate, and consequently involves formal acts of petitioning, acceptance, etc.), but also in their effect.

A detailed treatment of these questions as they relate to various legal institutions will be offered by the author of the present article in a piece of specialized research, The Society and Law of Ancient Iran [Obshchestvo i pravo drevnego Irana], now being prepared for publication.

Notes

- 1) Within three or four generations, counting from the head of the family.

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2) This term is poorly chosen when one considers that in Greek, the word ἡ πατρωνυμία had a very precise meaning, "patronymic," and is nowhere attested as the designation of a social group.

3) See, for example, B. W. Leist, Altarisches jus gentium, Jena, 1889; J. J. Jolly, Outlines of an History of the Hindu Law, Calcutta, 1885; same author, Recht und Sitte, Strassburg, 1896, pp. 62-90; E. Sénart, Les castes dans l'Inde, Paris, 1927; J. H. Hutton, Les castes de l'Inde, Paris, 1949; P. V. Kane, History of Dharmaśāstra, Poona, 1941, II, 1, pp. 452-501; C. Lévi-Strauss, Les structures élémentaires de la parenté, Paris, 1947; J. Brough, "The Early History of the Gotras," JRAS, 1946, 1-2, 32-45; 1947, 1-2, pp. 76-90.

4) That is, of course, if his father has died. If he is alive, the list will include three names, starting with the grandfather. The list would also begin with the grandfather if the head of the family is a putrikāputra — i.e., successor to the grandfather through his epiclerate daughter. (c)

5) The order of inheritance (by parentela) was the following: (1) nephew (brother's son), (2) brother's grandson, (3) grandfather, (4) grandfather's son (paternal uncle), (5) his son (cousin on father's side), (6) paternal uncle's grandson (grand-nephew), (7) great-grandson of paternal uncle (great-grandnephew), (8) great-grandfather, his son, grandson, and great-grandson.

6) See Jolly, op. cit., p. 84; also Baudhāyana, I, 11, 9; Manu, IX, 137, 186. The reference is to those sapindaś that are agnates (with marriage, a woman became a sapinda of her husband and was transferred to his gotrā, but she continued to be regarded as sapinda of her father for purposes of exogamy: her children were regarded, in this connection, as sapindaś of the children of her sisters and brothers; the woman in an epiclerate marriage, putrikā, is a special case.

7) This situation reflects, particularly, the parallel use of the terms sakulya and sagotra in the texts.

8) In Panini they are called vamśya (IV, 1, 163) or vṛddha (I, 2, 65). The heads of the individual families entering into

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the structure are grhyapati.

9) Civil capacity ensued after boys of all three primary castes — Brahmins, Kshatriyas, and Vaisyas — had gone through the ritual of initiation (upanayana), including investiture with the sacred girdle. This initiation or installation was regarded as "second birth" (this is the origin of dvija "twice-born," the designation of members of these three classes). In the Brahmin literature, the term upanayana also acquired the more special sense of initiation into study with a Brahmin.

10) The latter Gotrapravaramaṅjarī names 5,000.

11) Even Leist (V. W. Leist, Altarisches jus gentium, Jena, 1889, pp. 174-176 and 193 ff.) quite justifiably compared the cult of the ṛṣi among the Indians to that of heroes in the archaic Greek communes.

12) Thus, Buddha, who was of the royal gens and a Kshatriya, listed himself in the Brahmin gotrā of Gautama, because the purohita of the royal family, whose pravara Buddha adopted, belonged to it (see Brough, JRAS, 1947, 1-2, p. 84).

13) Also compare in Hesychius: (Τριτοπάτορας) οἱ δὲ τοῦς προπατέρας.

14) Isaeus defines the great-grandfather of a surviving head of family as ἀρχή, "the beginning" of the γένος (in the narrow meaning of the term: "agnatic group"), see Isaeus, VIII, 32: γονεῖς εἰσὶ μήτηρ καὶ πατήρ καὶ πάππος καὶ τήθη καὶ τούτων μήτηρ καὶ πατήρ· ἐκείναι γὰρ ἀρχὴ τοῦ γένους εἰσὶν.

15) See Festus, ed. O. Muller, p. 221.

16) Initially, a rigidly agnatic order was dominant among the Romans both in res sacra and in inheritance. By the laws of the Twelve Tables, in the absence of a direct heir or agnatic kin, the escheated property was inherited by the gens in the broad sense of the term ("si agnatus nec escit gentiles familiam habento"). Also compare Cicero in Verr., II, 1, 115: "lege hereditas ad gentem Minuciam veniebat." The appearance of the will dealt the first blow to this strictly agnatic order, which was subsequently squeezed out by the introduction of collateral relatives into it (by the law of Justinian).

17) E. Benveniste, JA, 1958, p. 54.

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18) E. Benveniste, Titres et noms propres en iranien ancien, Paris, 1966, p. 89. Benveniste also listed other names of specifically "social" content.

19) Compare Iranian *tōxm* (< Iranian *tauxman-*), preserved in Armenian *tohm*, which, along with the Armenian *azg*, serves as the usual designation among Armenians of the organization being described, an organization known from the ancient sources and preserved in the mountain regions of Armenia to this very day, under the same name. With the passage of time, any *tohm* branched out and underwent segmentation into "branches" (Armenian *azg* < compare Iranian *azg* "branch"), each of which included an entire gens of extended three-generation patriarchal families (Arm. *gerdastan* < Middle Iranian **gerdastān*; identical to Sanskrit *gr̥ha*), which were related to each other in a *sapiṇḍa* circle — i.e., comprised an agnatic group entirely analogous to the structures comprising the *gotrá*. The *azg* in turn branched out into a *tohm*, with subsequent segmentation. The ramified *azg*, which combined families more remotely related to each other, included numerous *gerdastan* families. Thus, E. T. Karapetian, who studied this form of organization among the Armenians, cited as an example the Mamian *azg*, encompassing 95 families. Thus, the terms *tohm* and *azg* were freely substituted for each other (also compare Armenian *azgatohm*). The *tohm* or *azg* was headed by a *nahapet* (compare Iranian **nāhapet* < Iranian **nāfapati-*), compare Armenian *nahapet azgin* or *azgapet*. For details about that institution among the Armenians, see E. T. Karapetian, Semeinaia obshchina i patronimiia u armian, Erevan, 1966.

20) J. B. Pritchard, Ancient Near Eastern Texts, Princeton, 1950, p. 316.

21) This inscription list, like the next one, with the names of persons from the court of Papak, Ardashir, and Shapur himself, reflects the Indo-Iranian conception of *pitṛyajña* and *manusyajña*.

22) I.e., required to pay jointly with him (*haša.čiθa-*). The matter under discussion is joint liability for obligations and debts, and consequently joint responsibility for a crime com-

mitted by an agnate. Compare Ossetian *aevǵid* (Iranian **abi+kaita-*), "guarantee," "guarantor"; see V. I. Abaev, *IESO*Ia, I, 202; E. Benveniste, *BSL*, LII, 47. The number (*θriš satāiš*), both here and later in this passage of the *Videvdta* (*xšvaš*, *hapta*, etc., *satāiš*), is in the sociative, *hazaṇrəm* in the accusative being an exception. Lüders, who compared this passage of the *Avesta* with Old Indic texts (H. Lüders, "Eine arisch-Anschauung über den Vertragsbruch," *SbPAW*, 1917, XXVI, pp. 367-372), suggested that *para. baraiti* (literally "carries off," "removes") be understood in conjunction with the Indian *hanti*, i.e., "kills, defeats (kinfolk)." If the verb *para. bar-* is interpreted not as "removes, eliminates (sin)," "answers for him," but, following Lüders, as "eliminates, destroys (kinfolk who have violated an obligation)," then clearly this is meant in the religious and ethical sense, "to shock (the souls of kinfolk), to involve and destroy their souls by his crime"; compare this passage with *Vd.* 13.3: *nava.naptyāēci t hē urvānəm para.mərənçaite*. In this case, the sociatives in *Vd.* 4, 5 ff. should perhaps be understood as use of the sociative in place of the accusative (for examples of this, see H. Hübschmann, *Zur Casuslehre*, Munich, 1875, p. 265 ff.). With regard to this passage in the *Avesta*, the following testimony in Ammianus Marcellinus (XXIII, 6) is of interest: "*Leges apud eos impendio formidatae, et abominatae aliae, per ques ob noxam unius omnis propinquititas perit*" — "their laws are very terrible, often repulsive; under these laws a misdeed by a single person means that the entire circle of his kinsmen perishes."

23) Kraeling, *Brooklyn Mus. Pap.*, Nos. 9, 18; 10, 12; 11, 9.

24) On these terms, see W. B. Henning, *Zoroaster — Politician or Witch Doctor?*, Oxford, 1951, p. 44; M. Boyce, *Manichaean Hymn Cycles*, London, 1954, p. 188; J. Gershevitch, *An Avestan Hymn to Mithra* (cited below as *Mithra*), Cambridge, 1959, p. 267.

25) Compare *Y.* 60, 2; *Visp.* 13, 10; 13, 17-18; 13, 40.

26) Apparently a formation from the Iranian root *vrz-* "to fence off"; compare Avestan *varəz-* (*Visp.* 16, 2), compare Sanskrit *vrjana* "village, commune" < "a place surrounded

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by a fence." Also compare the Modern Persian barzan "quarter," Armenian arğarjan "suburb, faubourg" (= Iran. adi+vrzāna-).

27) Y. IX, 5; Yt. VIII, 16; XIV, 17; Vd. XIV, 15; Bd. III, 19.

28) H. Junker, Der wissbegierige Sohn, 1959, p. 27.

29) Jurisdiction over the household — personae alieni juris — was in the hands primarily of the head of the patriarchal family.

30) Compare DkM, VIII, 699, 19-20: Apar markaržān rānak kartan ut hamāyārih pat markaržān "On expulsion (from the commune — A. P.) of persons who have committed capital crimes, and on complicity with the criminal."

31) Under the Code, a capital crime was punished by complete loss of property rights, imprisonment, and loss of one's place in the family (compare, for example, 97, 15-98, 1; A 28, 2-29.5; A 35, 9-11).

32) See Air Wb., 1862; H. Hübschmann, "Über die persische Verwandtenheirat," ZDMG, XLIII, 1889, p. 308.

33) L. Gray, "Next-of-Kin Marriage," Encyclopedia of Religions and Ethics, pp. 456-459.

34) Diog. Laert., Prooem. 7, IX, 83; Strabo, pp. 735, 1068; Plut., De fortit. Alex., I, 5; Antisthen., Apud Athenaeum, V, 63.

35) Artā-Vīrāf, a literary character, might be called the record-holder in endogamy: he was married to his seven sisters.

36) Thus, we have Denak, sister and wife of Ardashir I; Atur-Anahita, daughter and wife of Shapur I; Shapurdukht, cousin and wife of Varahran II (both were patrilineal grandchildren of Shapur I).

37) See Syria, XXXV, 1958, p. 324 ff.

38) E. Benveniste, Titres et noms propres en iranien ancien, Paris, 1966, pp. 11-17.

39) The inscription contains another three cases with the patronymics -ān, analogous to the one in question, in which this suffix is appended to a name terminating in -ak, which creates the false impression that there is an -akān suffix here — compare lines 60-61: Wrd'hšy ZY BRBYT' ZY P'pk'n : Wlgšy BRBYT' P'pkn

"Valarsh, prince, (son) of Papak"; Nršy ZY BRBYT' ZY D'tsplhrykn (?): Nryšhw BRBYT' Šhyphwrkn "Narseh, prince, (son) of Shapurak (or Dat-Shapurak)"; Nršy ZY BRBYT' ZY Plywzkn : Nryšhw BRBYT' Prgwzkn "Narseh, prince, (son) of Perozak" (compare the two sons of Shapur, king of Meshan, Ormizd and Ormizdak). For that matter, in the latter two forms, Šhyphwrkn and Prgwzkn, one could also see the suffix -akān, if one assumes that these are branches of the Sassanid house, and that Prince Narseh was great-grandson to Shapur, King of Pars, older brother of Ardashir, and consequently a member of the "Shapur" branch of the Sasan gens, while his namesake was a descendant of Peroz, another son of Papak. In any case, for a grandson or great-grandson to take the name of a grandfather or great-grandfather as his nomen gentilicium (where a branch of a kin group exists) is a common phenomenon. Compare the definition (in connection with the taddhita rules) given by Pānini (4.1.76 ff.): apatyam pautraprabhṛti gotram.

40) See REAr, III, 1966, pp. 17-29.

41) Compare line 58: Wyply ZY Pldk'n : Wyprd Prdkn (Marik's translation: "Vifar, son of Farrak") and above, in line 54, a figure at Papak's court — Pldky ZY Pldk'n : Prdk Prdkn.

42) Katav-, as one of the canonized ancestors, is referred to in Yt. 113, 114. The proper name, *Katuka- is attested in the Elamite tablets from Persepolis, cf. E. Benveniste, JA, 1958, 52.

43) See N. G. Adonts, Armeniia v epokhu Iustiniana, St. Petersburg, 1908, pp. 236-297.

44) Thus, for example, the post of crown-bearer (t'agadir aspetut'iwn) was permanently assigned to the Bagratuni gens.

45) No. 2; compare KiZ, line 51: 'sppt : 'spty.

46) No. 60; compare rulers of urban districts in KiZ, lines 62-64: Why-'ndywk-Šhpwhry štrp, Gwdm'n štrp, Gdy štrp, Rnd štrp, 'hmt'n štrp.

47) No. 61, compare KiZ, line 59: nhčyrpt.

48) No. 20; compare KiZ, 58, 67: d'tbr.

49) Compare KiZ, line 26: 'hwrpt.

50) In the given case, it may be a gentile name (compare the

reference to the Aspahpet gens in the Armenian sources), and not the designation of the post of a person named Rakhsh; compare also the reference to Rakhsh Spakhpat, apparently a grandson, in the Paikuli inscription.

51) Compare, in Armenian, the post of mardpet and Mardpetakan, the surname of one of the branches of the Artsruni gens, in which the post of mardpet became hereditary; compare also the Armenian gentile name Marzpetuni, from marzpet, and also the gentile name Naxčeri, Gahnamak, No. 59.

52) 'rtw'n ZY Dwnb'wnčy; 'rtbnw Dwnb'wntš; compare Anjawači, Vanandači and others in the Gahnamak.

53) This suffix was displaced, in Armenian, by others, particularly -akan, Iranian in origin, and was preserved, other than in gentile names, only in individual instances, as ark'uni "royal," tiknuni (b gund tiknuni "a military detachment protecting the king's wives"). Among the Armenian gentile names there are both some formed with the -akan suffix and some borrowed directly from the Iranian (compare Kamsarakan — Gahnamak, No. 12, and perhaps, Kaminakan, compare Varaz Kaminakan — Faustus of Byzantium, 17), as well as proper indigenous names (compare the Jiwnakan gens; according to Moses of Khoren, this gens was in charge of delivering snow, jiwn in Armenian, to the king's summer residence). Particularly noteworthy in this connection is the -uni : -akan alternation in those same gentile names, for example, rwndkn/rwndkn : Eruanduni (Gahnamak, No. 50; also compare the list in Lazar of Pharb), Mardpetuni: Mardpetakan, Aršakuni : Aršakan (Lazar's list), a form derived from *Aršakakan; there is an analogous derived form of the gens name in KiZ, 64, Slwk'n : Sylwkn, i.e., Silūkān < *Sīlūkakān, from the name of the founder of the Sīlūk (= Greek Σέλευκος) gens himself; compare the Armenian gentile name Silkuni.

54) Paikuli, Kār-nāmak and others; compare Syriac raṣraḥānē.

55) Compare gorcakalk^c parsikk^c (under Ardashir I), in Moses of Khoren (II, 77).

56) Members of these families were military leaders under

Chosroes II; compare, for example, Sebeos 61, 92. Compare "the house of Vakhrich" in Faustus of Byzantium, 147-148.

57) This agrees with the Greek version of the KiZ, in which the persons listed are given in the genitive, governed by the expression εἰς τὴν μνησίαν. If we reconstruct the original formula for the list in the nominative, the type will be not ὁ δ. τοῦ δ., "so-and-so, (son) of so-and-so," but (Σωκράτης ὁ υἱὸς τοῦ δ.) [KiZ: Ὁρμυζδὲ ὁ ἱερογγραμματοεὺς || Μερχουαστὸς Βερησιγαν (γένει — A. P.)], i.e., a construction with the definite article, introducing, in the same case, a specification attached to a proper name; before appellatives the article was often omitted (where there was no special emphasis), a phenomenon quite common in this inscription.

58) Line 57: S's'n ZY 'ndyk'n MR'HY : S's'n 'ndykn hwtwy "Sasan, ruler (of the gens) Andikan" (also compare line 62); in the Greek version MR'HY : hwtwy is rendered by the terms βασιλέως, κύριος. It is curious to note that while Papak, father of Ardashir I, is referred to in the inscription as king (MLK'), Sasan, "founder" (great-grandfather) of Shapur is identified as MR'HY = hwtwy = κύριος, i.e., "ruler (of the gens)."

59) Compare in KiZ, 66: 'rst't ZY dpyr ZY Mtr'n ZY MN Ldy "Arshat, epistolographer, and chief Mihranid."

60) The same holds in the Armenian list: when a post is named (compare aspet, No. 2), the gentile name of those who hold it (the Bagratids) is absent.

61) Compare ayl Abeleann (№ 36), ayl Dimak'seann (№ 37) "another (gens) of Abelians," "another (gens) of Dimaksians"; the same device is employed in the Parthian version of KiZ, 61: 'HRN S'sn BRBYT' ... "another prince Sasan...."

62) The data in the Armenian sources on the gāhnāmaks of the Sassanid and Armenian kings, on the custom of confirmation of tables of ranks in the Armenian court by the Sassanid kings, and the storage of copies in the royal offices in Ctesiphon have been assembled and considered by Adonts (op. cit., pp. 248-277).

63) See A. Cowley, JRAS, 1919, pp. 147-154; J. M. Unvala, BSOS, I, 4, 1920, pp. 125-144; H. S. Nyberg, MO, XVII, 1, 1923,

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IO, XVII, 1, 1923,

pp. 182-230; E. Herzfeld, Paikuli, Berlin, 1924, p. 83; compare
I. M. D'iakonov and V. A. Livshits, PAS, II, 1966, p. 149,
footnote 36.

64) Reading as per the autograph published by Herzfeld
(Paikuli, p. 83).

65) The wāw suffixed to the verbal heterogram is here, as
in other cases, a conditional determinative of the system of
presence. (d) Compare, with the proper name ptspr, the Ar-
menian surname Patsparuni, from the proper name of its
"founder" Patspar (< Middle Iranian Patispār; compare Ar-
menian patsparem "to defend; to provide shelter," √spār,
compare Middle Persian spar "shield," Armenian aspar).

66) The reading of the name of the vineyard is hypothetical.
Wnkn (= Vanakān) can be explained as an adjective derived
from Iranian vana- "wood; forest" (compare Avest. van-,
vanā-, Sanskrit vana "tree; verdure, copse"), which might
serve as the name of a parcel where trees had stood. Com-
pare Avroman I, where the object of the transaction (= emphy-
teutic rent) is a parcel on which trees had stood (= filbert?).
The reading of the words ʾbykškn, yʾt. KZY is due to W. B.
Henning ("Mitteliranisch," Handbuch der Orientalistik, edited
by B. Spuler, IV, 3, Leiden, 1955, pp. 28-30).

67) This proper name (Sēnak) may be compared to the Avest.
Saēna-.

68) Other possible translations of the predicative adjective
aṣika(r)šakān (from abi+krš-) are "suitable for cultivation"
(literally "ploughing"); "subject to cultivation." Compare the
Armenian adjectives ending in -akan, formed from verb roots
and indicating that an act is possible or compulsory.

69) I find it possible to read the spelling ʾsmk as ašmāk
(a-šāmāk), a lexicalized adjective from the Iranian root sam-
"to adapt, apply, arrange, process, manifest concern"; com-
pare Khot.-Sak. šām-, the Sanskrit śam-, Greek ζάμω,
Avestan ʾamnah- (see H. W. Bailey, Rocznik Orient., XXI,
1957, pp. 59-63). The matter under discussion is a "virgin
parcel," "unused land," appurtenant to the Vanakan vineyard.
The latter, in turn, was the cultivated part of the wasteland

that had once been included in the Dadvakan vineyard, and was the object of the transaction in Avroman II (ἡ ἐν τῷ ψευδογράφῳ ἡμπελος). The fact that the word "KRM" in the line in question adjoins the preceding word, which serves as its attribute, follows from the forms attested in the Greek documents I-II, Δαδβαναν: Δαδβανα βαγ = Daḍḡakān raz: Daḍḡakā(n) bāγ "the vineyard/parcel Dadvakan" (apparently so named for its owners, the Dadvakan family, whose surname was derived from the proper name of the "founder" Dadva or Dadvak). This interpretation of the construction of this line is confirmed by the parallel in line 7: 'smkn KRM'. The entire construction of line 2 is a direct supplement to the predicate (MZBN-W) and is introduced by a relative pronoun given heterographically (ZY) and deriving from the Iranian ya- (for the Iranian ya-, compare E. Benveniste, BSL, 53, 1957-1958, pp. 39-54); perhaps it functions as a definite article.

70) Compare the clausula on joint use of water in both Greek parchments. To ἡμυ compare hamē(v) before verbs in Middle Persian to indicate repetitiveness and constancy of the verbal act. For 'KL-W, the heterogram of the verb xvartan, the causative of which is attested in Pahlavi in the technical meaning, "to irrigate the earth," compare Bd. 85, 6; 87, 2, 6 (see H. W. Bailey, Zoroastrian Problems, p. 99, footnote 5).

71) The same vessel also contained other documents which have not survived: see Minns, JHS, XXXV, 1915, p. 22.

72) Aside from the very formulation, "like a brother," "in the capacity of brother," the seller and buyer were sons of different fathers.

73) Abaev, IESO Ia, p. 205 ff.

74) A parallel term is xvēšāvand.

75) Gohr (employed in the figurative meaning "gens, origin > property, quality, essence"; compare Sogdian γωš) takes its origin in the Iranian *gaṇṇra- formed from the root *gaṇ-, and is also represented in Avestan gava-šayana-, gava-šiti-, "settlement of communes," in the Middle Persian Gōpat (Gōpat-šāh — Bd. 197, 5; Gōpat būm — Dd. 89); compare the Sogdian γωpt < *gaṇa-pati- (title of one of the officials at the

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l, and was court of Devashtich-Mug, A-5, line 22; another possible reading is šwpt), and in Ossetian *qæu:γæu* "village" (see H. W. Bailey, *BSOS*, VI, 1932, pp. 950-952; same author, *TPS*, 1945, line 14; same author, *JRAS*, 1953, p. 115; E. Benveniste, *JA*, 1954, p. 308 ff; Gershevitch, *Mithra*, p. 176). In the text of the *Avesta*, Varna, a commune or town in which the legendary Ferīdūn (*θraētaona-*) was born, is given the definition *čaθru. gaoša-* "having four ears" (*Vd.*, I, 17; *Yt.*, *Y.*, 33). The absurdity of such an identification of a community was already clear to the Pahlavi commentator, who tried to offer an explanation. However, this proved just as unconvincing (Pahlavi translation: *čahar-gōših* "four-earedness," with variants of explanations according to which it is a question either of four gates of the city or of four roads going from it in different directions). However, this identification immediately makes sense if one assumes that *gaoša-* takes the place in the Avestan text of **gaōθra-*, in which case Varna takes on the meaning for us of a town or settlement containing four "gotrás." With regard to this conjecture, Av. *š-I* replaces *-θr-* (a group that becomes *-hr-* in the Northwestern Middle Iranian dialects). Compare the rendering of Av. *š-I* by a combination of symbols *-yrh-* in the name of a day of the Avestan calendar (*gwyrh* = *gōuš*) in a Parthian document from Nisa (see I. M. D'iakonov and V. A. Livshits, *Peredneaziatskii sbornik*, II, Moscow, 1966, pp. 153-157).

76) This institution, which was something on the order of a universal fideicommiss or legate for creation of successorship to a person who has not left a successor, is treated in another work being prepared for publication.

77) See V. A. Livshits, "Iuridicheskie dokumenty i pis'ma," *Sogdiiskie dokumenty s gory Mug*, Issue II, Moscow, 1962, pp. 17-45.

78) Following Gershevits in *Central Asiatic Journal*, VII, No. 2, 1962, p. 93.

79) Also compare the Middle Persian legal term *framānburtārīh*, defining the legal position of subordinate members of a family, wives and minors, relative to its head.

One might also adduce Middle Persian *kār-framān* "gestor, ἐπιμελητής " or the Middle Persian legal term *aframān*, equivalent to the Greek *ἀκυρος* (employed to designate expiration of some legal act). Compare Avestan *fra-mainya-* "authority, power over someone" (*Air. Wb.*, 987), or the Sanskrit *prāmānya* "authority."

80) V. A. Livshits translated these passages as follows: "(1) and in his house keep (or: "must be kept") his children and his wife (as) regular residents; (2) and if in the house children (and) wife are not made permanent residents." Situations in which such recommendations might be made are inconceivable for the period and society in which this text originates.

81) See Andreas-Henning, *MiM*, II, p. 308.

82) In the publication, the word *n'f* is translated as "family," and *'wystw'r'n* as "guardians," an interpretation that is impossible if only for the fact that the head of Mar-Ammono's family naturally must have been his father, who was still alive, and there could be no place for a guardian of any kind in a family in which the paterfamilias was alive, and in which, moreover, there was an adult son (Mar-Ammono). The plural is also significant.

83) This could have been done by her husband while yet alive, using his testamentary right.

Editor's Notes

a) This expression is being used here in a technical sense, to mean a limitation on the right of ownership of real property.

b) A grammatical term derived from Arabic, denoting a special type of conjunction.

c) The word "epiklera" cannot be found in any Russian reference available to me. However, it does occur in the Liddell-Scott Greek-English Lexicon in the sense of "heiress." The reference here is apparently to a daughter who inherits property or status in the absence of male heirs, whereas ordinarily she would not.

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d) A heterogram is a symbol which is read in a way bearing no relation to its original lexical meaning. I can find no meaning for the Russian word "prezens," although it is obviously a grammatical term.

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